

REMARKS / ARGUMENTS

This Response and Amendment is submitted in response to an outstanding Office Action dated January 15, 2004, the shortened statutory period for response having expired on April 15, 2004. Accordingly, a Petition and Fee for Extension of time are included herewith.

I. **Status of the Application**

Claims 1-7, 11-14, 17-23, and 26-27 are pending in this application. By this Amendment, claims 1, 11, 14, 23 and 27 (and consequently the claims that depend on them) are amended. Pending claims 1, 11, 14, 23, 26, and 27 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. **Rejections of under 35 U.S.C. § 103(a)**

Claims 1-7 and 23

The Examiner has rejected claims 1-7 and 23 under 35 U.S.C. § 103(a) as being obvious over Kaku in view of Alperovich and Borst.

The invention of claims 1- 7 and 23 is characterized by a wireless communication system deciding the charge rate for communication within a wireless cell based on the situation in the wireless cell and a threshold having a hysteresis characteristic. It is also characterized by the system notifying changes in the charge rate to an upper network in accordance with the changes of the charge rate.

In contrast, Kaku discloses that a base station changes the charge rate based on the magnitude of the transmission power and notifies the terminal of such changes. Furthermore, as

the Examiner stated, Kaku does not teach a threshold having a hysteresis characteristic for changing a charge rate for communication within a wireless cell.

As for Alperovich, it discloses changing of a charging rate when the available channel resource level is determined by a mobile switching center (MSC) to exceed a threshold level, and notifying the new charging rate to a mobile apparatus, and indicating the notified charging rate by the mobile apparatus.

As for Borst, it discloses that hysteresis characteristics are incorporated into the threshold value of receiving intensity when a channel is shifted according to the threshold value of a receiving intensity. However, Borst fails to suggest or disclose that hysteresis characteristics are incorporated into the threshold value to shift a charging rate. In addition, the term "cost" as used in the specification of Borst does not imply "cost" as a fee but instead implies "loss" of communication quality caused by radio interference. Therefore, Borst fails to disclose the claimed charging rate

Accordingly, Applicant respectfully submits that the references cited by the Examiner fail to disclose or suggest, both individually and in combination, the wireless communication system of claims 1-7 and 23 comprising deciding the charge rate for communication within a wireless cell based on the situation in the wireless cell and a threshold having a hysteresis characteristic, and notifying changes in the charge rate to an upper network in accordance with the changes of the charge rate.

Claims 11-13 and 26

The Examiner has also rejected claims 11-13 and 26 under 35 U.S.C. § 103(a) as being obvious over Kaku in view of Alperovich and Beddoes.

The invention of claims 11-13, and 26 is characterized by a wireless communication system deciding a wireless controller to be connected to a mobile apparatus, based on the charge rate information received from the mobile apparatus and the charge rate for communication within each wireless cell managed by a wireless controller. It is also characterized by controls to connect the above-decided wireless controller and a mobile apparatus.

The disclosure of Kaku and Alperovich have been summarized above. Applicant respectfully submits that contrary to what the Examiner stated, Alperovich does not teach “deciding a wireless controller to be connected to a mobile apparatus based on a charge rate, and a charge rate identifier, and controlling a connection to a wireless controller.” As for Beddoes, it discloses that a base station notifies a charging rate to a mobile apparatus, and that the notified charging rate is indicated by the mobile apparatus.

Therefore, Kaku, Alperovich, and Beddoes fail to disclose that a wireless communication system receives charge rate information from a mobile apparatus. Accordingly, Applicant respectfully submits that the references cited by the Examiner fail to disclose or suggest, both individually and in combination, the wireless communication system of claims 11-13 and 26 comprising deciding a wireless controller to be connected to a mobile apparatus based on the charge rate information received from the mobile apparatus and the charge rate for communication within each wireless cell managed by a wireless controller, and controlling to connect a wireless controller decided by the above decision means and a mobile apparatus.

Claims 14, 17-22, and 27

In addition, the Examiner has rejected claims 14, 17-22, and 27 under 35 U.S.C. § 103(a) as being obvious over Kaku in view of Frager and Hillis.

The invention of claims 14, 17-22, and 27 is characterized by a wireless communication unit determining whether a charging rate of communication received from a wireless controller exceeds a stored charging rate that is set by the user. It is also characterized by notifying an alarm when the charging rate of communication exceeds the charging rate set by the user based on the charge rate stored in the storage step and the charge rate received in the reception step.

The disclosure of Kaku has been summarized above. Frager discloses that its charge rate is changed based on the area where the mobile station is present, and that when the area is not a special rate area, the cellular telephone system notifies the mobile station of that fact. As for Hillis, it discloses that its charge rate is determined based on factors such as the distance between the initiating side and the receiving side, the time zone, and the loading between the originating and destination locations of the call, and notifies the rate to the user terminal.

Accordingly, Applicant respectfully submits that Kaku, Frager, and Hillis do not disclose or suggest, both individually and in combination, the wireless communication unit of claims 14, 17-22, and 27 comprising determining whether a charging rate of communication received from a wireless controller exceeds a stored charging rate that is set by the user, and notifying alarm based on the result of the above determination.

Consequently, for all the above reasons, independent claims 1, 11, 14, 23, 26, and 27, and the claims that depend on any of them, are allowable.

III. Conclusion

Applicants respectfully submit that the claims in this application are in condition for allowance. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,

MILBANK, TWEED, HADLEY & MCCLOY LLP



Chris L. Holm
Reg. No.: 39,227

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Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005
(212) 530-5000 / (212) 530-5219 (facsimile)